

Application No. 09/541,631 (Balkany) GAU 2172

Page 7 of 9

REMARKS—General**Article II.**

After this amendment, claims 33-52 will be pending. Claims 1-3, 5, 16, and 18-32 have been canceled.

Summary of changes to claims

In the office action of 11-17-2005, the examiner states "The examiner indicates claim 5, 25, and 30 to be allowable only if rewritten in independent form including all of the limitations of the base claim and any intervening claims". Applicant has complied, with some minor rewording of the indicated claims.

1. (a) Claim 5 has been rewritten in independent form, including the limitation of base claim 1, as new independent **claim 33**.
 - (b) The capability in 33(b)(3) was described as applying to "one or more" interior nodes.
 - (c) "runs" and "subruns" have been replaced with "sequences" and "subsequences" for more consistent terminology.
 - (d) 33(b)(4)(i) was amended to further clarify the general concept of extending a sequence of mutually-consecutive tuples, by modifying field(s) representing the sequence length in the existing structure, rather than by using more storage space. This was done to include tuple-sequence representations that do not explicitly recite the length, e.g. representing a sequence by its first and last indexes. (The first and last indexes are capable of representing the length: (length = last - first + 1)).
 - (e) In claim 33(c)(1), "two" has been changed to "zero" to describe the concept more generally.
2. Claim 25 has been rewritten in independent form, including the limitation of base claim 20, as new independent **claim 39**.
 - (a) In claim 39(c)(1), "two" has been changed to "zero" to describe the concept more generally.
 - (b) In 39(b)(1), "each leaf node" was replaced with "at least one of said leaf nodes" to describe the concept more generally.
3. Claim 30 has been rewritten in independent form, including the limitation of base claim 26, as new independent **claim 43**.
 - (a) In claim 43(d)(1), "two" has been changed to "zero" to describe the concept more generally.
4. The node-size estimate of claim 21 has been added as new dependent **claims 34, 40, and 44**.

Application No. 09/541,631 (Balkany) GAU 2172

Page 8 of 9

5. The use of a "join" operator in the problem space has been added as new dependent **claims 35, 41, and 45**.
6. The count of value or tuple occurrences of claim 2 has been added as new dependent **claims 36, 42, and 46**.
7. New dependent **claim 37** describes the use of fields of a table's records as the parallel data element sequences.
8. New dependent **claim 38** describes use of the value function to rank a state's design as acceptable.
9. Reconstructing a stored record from claim 23 has been added as new dependent **claim 47**.
10. Inserting a reconstructed record into another tree from claim 24 has been added as new dependent **claim 48**.
11. New dependent **claims 49-52** are combinations of independent claims 33, 39, and 43.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicant does not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicant reserves the right to file a continuation application to pursue the breadth of the claims as filed. Applicant believes that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicant has recited in his claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

Application No. 09/541,631 (Balkany) GAU 2172

Page 9 of 9

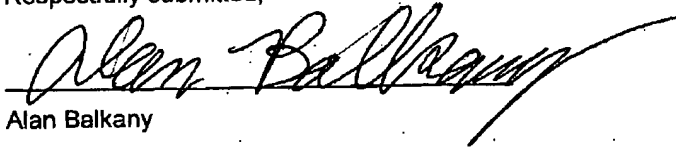
Article III. Conclusion

The applicant has rewritten the claims as indicated by the examiner. Applicant believes the claims are now in condition for allowance, and requests a telephone interview with the examiner if the examiner does not agree. Please reconsider this application.

Respectfully submitted,

2-17-2006

Date



Alan Balkany

161 Commons Circle

Saline, MI 48176

(734) 944-7179

alankdkd@aol.com